REMARKS

This application is rejected under 35 U.S.C. § 112, first paragraph, for the reasons noted in the official action. The inadequate written description rejection is acknowledged and respectfully traversed in view of the following remarks.

The claims 1-9 (new claims 10-20) now recite that "the thermal conductive material is plasticized at a temperature in the range of 30-65°C" and "the unvulcanized organic material becomes liquidized in the range of 30-70°C". These limitations, and the intended meanings of these terms, is found in the specification at pages 2, lines 16-18 which state, "the thermal conductive material is plasticized (softened) at the temperature ranging from 35-65° C" and further at page 3, lines 16-19 which state "'to be plasticized" implies "to be softened by heat" (so as to change the form corresponding to the outer shape of which it comes in contact with)." Basis for the organic material having a melting transition in "the range of 30-70°C" can be found in the amended specification on page 4, lines 1-11 which in part states "an organic material of which melting transition is in the range of 30-70°C. . .the temperature. . .the organic material gets liquidized". The entered amendments are believed to overcome the 35 U.S.C. § 112, first paragraph, rejections without entering any new matter. If any further amendment to this specification is believed necessary, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

Claims 3, 4 and 6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The subject matter of the rejected claims is accordingly revised and rewritten as new claims 10-19. The newly entered claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections.

Next, claims 1, 2, 4, 5, 7 and 9 are rejected, under 35 U.S.C. § 102(b), as anticipated by or, in the alternative, under 35 U.S.C. § 103 (a) as obvious over Chang et al. `143, while claims 1, 2, 4, 5, 7 and 9 are rejected, under 35 U.S.C. § 102(e), as being anticipated by or, under 35 U.S.C. § as obvious over Mercer et al. `138. Claims 1, 2, 4, 5, 7 and 9 are rejected,

under 35 U.S.C. § 102(b), as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Mercer et al. `824.

Claims 1-5 and 7-9 are rejected, under 35 U.S.C. § 102(e), as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Nguyen `422. Claims 1-5 and 7-9 are rejected, under 35 U.S.C. § 103(a), as obvious in over Nguyen `422 and Kanda et al. `640 and claims 1-5 and 7 are rejected, under 35 U.S.C. § 102(e), as being anticipated by, or in the alternative, under 35 U.S.C. § 103 (a) as obvious over Duval et al. `442. Claims 1-9 are rejected, under 35 U.S.C. § 103(a), as obvious in over Nguyen `422 in view of Mercer et al. `824. The Applicant acknowledges and respectfully traverses all of the raised obviousness and anticipatory rejections in view of the following remarks.

Each of the cited references specifically teach the use of a cross-linked or vulcanized polymer. When EPDM is vulcanized, plasticization in a temperature range from about 40-50°C does not happen. The Applicant respectfully submits that none of the applied references in any way teach, suggest or disclose the presently claimed limitations of "a thermal conductive material comprising: an unvulcanized organic material", as recited in new claim 10 or "a thermal conductive material comprising: an unvulcanized EPDM material having a weight average molecular weight of between 7,000-50,000", as recited in new claim 19.

Nguyen `422 discloses the use of self cross linking rubber-wax system and a self cross linking polymer in column 2 lines 49-64. As the Examiner is well aware, vulcanization or curing is an alternative term for cross linking.

Mercer et al. `824 discloses the use of thermosetting gels made by crosslinking MA-EPDM (column 6, lines 54-56) as well as the process of curing the thermoset gels (Examples 1-16). Again, vulcanization or curing is an alternative term for cross linking.

It should be noted that claim 6 (new independent claim 19) was rejected as obvious over Nguyen `422 and Mercer et al. `824. The subject matter found in claim 6 is written as new independent claim 19. As noted above, it is respectfully submitted that neither of these references in any way teach, suggest or disclose "a thermal conductive material comprising:

an unvulcanized EPDM material having a weight average molecular weight of between 7,000-50,000", as recited in new claim 19.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Chang et al. `143, Mercer et al. `138, Mercer et al. `824, Nguyen `422, Kanda et al. `640 and/or Duval et al. `442 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,

Michael J. Bujold, Reg. No. 32,018
Customer No. 020210
Davis & Bujold, P.L.L.C.
Fourth Floor
500 North Commercial Street
Manchester NH 03101-1151
Telephone 603-624-9220
Facsimile 603-624-9229
E-mail: patent@davisandbujold.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as First Class Mail in an envelope addressed to: Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. November 21, 2003 .

By: _____

Print Name: Michael J. Bujold